

Exhibit D

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ENCOMPASS INSURANCE COMPANY,)
as subrogee of Stephen and)
Stephanie Phillips,)
)
Plaintiff,)
vs.)
)
NORCOLD, INC., a foreign)
corporation,)
Defendant.) No.

) 2:23-CV-00231-JNW
ESSENTIA INSURANCE COMPANY,)
Intervenor-Plaintiff,)
)
vs.)
)
NORCOLD, INC., a foreign)
corporation,)
)
Intervenor-Defendant.)

VIDEO-RECORDED REMOTE DEPOSITION UPON ORAL EXAMINATION
OF
SCOTT L. ROBERT

WITNESS TIME: 9:00 A.M. Pacific Daylight Time
October 15, 2024

WITNESS LOCATION: Mountlake Terrace, Washington

Reported by: CONNIE FARANDA, RPR, CCR 2240, CSR 20-0462

1 MR. FOSS: Todd Foss for Defendants --
2 or Defendant Norcold.

3 MS. SHEWBERT: Kelsey Shewbert on behalf
4 of Essentia.

5 THE VIDEOGRAPHER: And will the reporter
6 please swear so we may proceed.

7

8 SCOTT L. ROBERTS

9 sworn as a witness by the Certified Court Reporter,
10 testified as follows:

11

12 EXAMINATION

13 BY MR. FOSS:

14 Q. Hello. Can you please state your full name
15 for the record for us?

16 A. Sure. My name is Scott Lee Roberts.

17 Q. Okay. Mr. Roberts, as you heard, my name is
18 Todd Foss. I represent the defendant in this lawsuit.

19 You understand you're here today to give a
20 deposition in connection with a lawsuit that arises out
21 of a fire incident that occurred on January 29th, 2021,
22 at the premises owned by Stephen and Stephanie Phillips
23 in Lake Stevens, Washington.

24 A. Yes.

25 Q. Okay. You've given your deposition many

1 Q. Did you take any photographs on your second
2 scene exam when you were there with Jeff Marsh?

3 A. No.

4 Q. Did you attend any other scene exams other
5 than the -- the initial scene exam on January 31st --
6 I'm sorry. January -- is it January 30th?

7 January 30th. Let me -- let me back up.

8 Your initial scene exam was on January 30th,
9 2021; is that right?

10 A. Yes.

11 Q. Okay. That was the day after the fire?

12 A. Yes.

13 Q. And it was the day after you were called by
14 George Shumsky of the Shumsky & Backman Law Firm
15 representing the Phillips' insurance company, Encompass
16 Insurance?

17 A. Yes.

18 Q. Okay. And then you return with your colleague
19 at Jensen Hughes, Jeff Marsh, two or three days later
20 on February 2nd, 2021. Is that right?

21 A. Yes.

22 Q. Did you ever return to the fire scene beyond
23 those two instances?

24 A. Once.

25 Q. Okay. When was that?

1 Q. Okay. Document request number 11 requests
2 production of all witness statements taken or reviewed
3 by you in connection with this case.

4 Did I read that correctly?

5 A. Yes.

6 Q. Okay. Do you have any responsive documents in
7 your possession?

8 A. Just the field notes that I had mentioned
9 earlier on -- I believe it was number 7.

10 Q. Okay. And your field notes take down
11 statements made to you by which witness?

12 A. Would be Mr. Phillips.

13 Q. What about Stephanie Phillips?

14 A. I believe I met with them both at the same
15 time. I don't have anything separate for -- for either
16 of them. It's just in one -- one note.

17 Q. Was -- was Deputy Fire Marshal Dan Lorentzen
18 from the Snohomish County Fire Marshal's Office present
19 on January 30th during your initial scene inspection?

20 A. No.

21 Q. Was he present during the February 2nd, 2021,
22 scene inspection when you were there with Jeff Marsh?

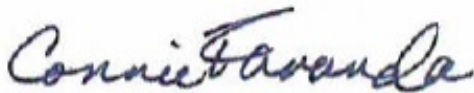
23 A. February 2nd, yes.

24 Q. Are your field notes that you're referencing
25 and that haven't been produced in this case all in

REPORTER'S CERTIFICATE

I, CONNIE FARANDA, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the states of Washington and Oregon, do hereby certify: That the sworn testimony and/or proceedings, a transcript of which is attached, was given remotely before me at the time and place stated therein; that any and/or all witnesses were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE this 24th day of October 2024.



CONNIE FARANDA, RPR

Washington CCR #2240, expires 1/27/25

Oregon CSR #20-0462, expires 6/30/26